

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

OWEN W. BARNABY,
Plaintiff

)
)

Vs.

) Hon. Robert J. Jonker
) Hon. Mag. Sally J. Berens

MICHIGAN STATE GOVERNMENT, ET, AL
Defendants

) Case No. 1:22 -CV- 1146

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Entering Default Judgment by Clerk of Court

Plaintiff's Second request of Clerk of Court to Enter Default Judgment Against Defendants Pursuant to RULE 55 – (a), (b) 1 and Other Applicable Laws.

Comes Now, Plaintiff, In Pro Se, with his, 'request of Clerk of Court to enter a Default Judgment against all named Defendants listed below for their failure to file an answer to Plaintiff's 'Third Amended Complaint (ECF No, 36) or a valid Motion, and or a Motion Under Rule 12; and for the Defendants who were [n]ot listed on Plaintiff's 'Second Amended Complaint (ECF No, 10) 'Motions and or Application Request for Default Judgments (ECF Nos. 28, 31, 32). The Grand total sum certain Default Judgment damages claim which is good through December 31, 2023, to the tune of **\$22, 529,329.60:**

1), Defendant - Lori D. Jarvis Registrar; 2), Defendant - Lora L. Freehling Registrar; 3), Defendant - Kathleen Culberson, Notary Public; 4), Defendant – Bret Witskowski, Treasurer; 5), Defendant – Shelly Weich, Treasurer; 6), Defendant – Board of Commissioner; 7), Defendant – Attorney Mckinley R. Elliott; 8), Defendant – Attorney Donna B. Howard; 9), Defendant – Attorney James McGovern; 10), Defendant – Berrien County Government; 11), Defendant – Bret Witskowski, in his Individual capacity; 12), Defendant – State Bar of Michigan, 13), Defendant – Attorney Jefferey R. Holmstrom and 14), Defendant – Holmdtrom Law Office; 15), Defendant - Niles Charter Township Board of Trustees; and, 16), Defendant - for Defendant - Niles Charter Township; 17), Defendant – City of Benton; 18), Defendant – Kendell S. Asbenson, Assistant Attorney General of Michigan; 19), Defendant – Hon. Rick Snyder Former Governor of Michigan; 20), Defendant – Hon. Jennifer Granholm, Former Governor of Michigan.

Notwithstanding that, Plaintiff filed 'Motions and Application Request for Default Judgments (**ECF Nos. 28, 31, 32**), against the immediate Defendants below on January 3, 4, 2023, based on his, **"Second Amended Complaint, (ECF No. 10)"**, the District Court Denied as Moot; Plaintiff appealed and the Honorable Sixth Appellate Court **reverse**; found that, the District Court abused its discretion:

1), Defendant - Lori D. Jarvis Registrar; 2), Defendant - Lora L. Freehling Registrar; 3), Defendant - Kathleen Culberson, Notary Public; 4), Defendant – Bret

Witskowski, Treasurer; 5), Defendant – Shelly Weich, Treasurer; 6), Defendant – Board of Commissioner; 7), Defendant – Attorney Mckinley R. Elliott; 8), Defendant – Attorney Donna B. Howard; 9), Defendant – Attorney James McGovern; 10), Defendant – Berrien County Government; 11), Defendant – Bret Witskowski, in his Individual capacity; 12), Defendant – State Bar of Michigan, 13), Defendant – Attorney Jefferey R. Holmstrom and 14), Defendant – Holmdtrom Law Office; 15), Defendant - Niles Charter Township Board of Trustees; and, 16), Defendant - for Defendant - Niles Charter Township; 17), Defendant – City of Benton for the same Defendants’ failure to file an answer to Plaintiff’s Complaint or a Motion Under Rule 12.

Plaintiff, further ‘request of Clerk of Court to enter a Default Judgment against all named Defendants below for their failure to file an answer to Plaintiff’s, **‘Third Amended Complaint (ECF No, 36)’**, or a valid Motion, and or a Motion Under Rule 12: against the following Defendants:

1), Defendant - Lori D. Jarvis Registrar; 2), Defendant - Lora L. Freehling Registrar; 3), Defendant - Kathleen Culberson, Notary Public; 4), Defendant – Bret Witskowski, Treasurer; 5), Defendant – Shelly Weich, Treasurer; 6), Defendant – Board of Commissioner; 7), Defendant – Attorney Mckinley R. Elliott; 8), Defendant – Attorney Donna B. Howard; 9), Defendant – Attorney James McGovern; 10), Defendant – Berrien County Government; 11), Defendant – Bret Witskowski, in his Individual capacity; 12), Defendant – State Bar of Michigan, 13), Defendant – Attorney Jefferey R. Holmstrom and 14), Defendant – Holmdtrom Law Office; 15), Defendant - Niles Charter Township Board of Trustees; and, 16), Defendant - for Defendant - Niles Charter Township; 17), Defendant – City of Benton; 18), Defendant – Kendell S. Asbenson, Assistant Attorney General of Michigan; 19), Defendant – Hon. Rick Snyder Former Governor of Michigan; 20), Defendant – Hon. Jennifer Granholm, Former Governor of Michigan.

Lastly, Plaintiff, ‘request of Clerk of Court to enter a Default Judgment against all named Defendants below for their failure to file an answer to Plaintiff’s, **‘Second Amended Complaint (ECF No, 10)’**, or a valid Motion, and or a Motion Under Rule 12, against the following Defendants:

18), Defendant – Kendell S. Asbenson, Assistant Attorney General of Michigan; 19), Defendant – Hon. Rick Snyder Former Governor of Michigan; 20), Defendant – Hon. Jennifer Granholm, Former Governor of Michigan.

In pursuant to Rule 55(a), (b) (1) Plaintiff ‘request’ the Clerk of Court to enter a Default Judgment against all named Defendants above, for sum certain total of **\$22, 529,329.60.** for Defendants’ failure to file an answer to Plaintiff’s Complaint or a valid Motion, and or a Motion Under Rule 12. Please, see attached Affidavit.

Rule 55 – Default; Default Judgment

(a) **Entering a Default.** When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.

(b) **Entering a Default Judgment.**

(1) *By the Clerk.* If the plaintiff’s claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff’s request, with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person. “....for sum certain total of **\$22, 529,329.60.**”

Request

For the reasons articulated therein Plaintiff is requesting or asking this Your Honorable Clerk of Court to enter the Application for Default Judgment Against Defendants Pursuant to RULE 55 – (a), (b) 1 and the Other Applicable Laws, with accordance to the **sum certain total of \$22, 529,329.60, in his affidavit.**

Respectfully Submitted,

Dated: December 12, 2023,

\S/ Owen W. Barnaby
Owen W. Barnaby, In Pro Se.

CERTIFICATE OF SERVICE

The undersigned states that on the 12th day of December 2023, a duplicate original of Plaintiff's, request of Clerk of Court to enter Default Judgment against all named Defendants filed with the Clerk of the using the ECF System, which will provide electric notice to the parties of record, and I have emailed and mailed by U.S. Postal Service the same to the non-ECP participants attorney above.

Respectfully Submitted,

Dated: December 12, 2023,

\S/ Owen W. Barnaby
Owen W. Barnaby, In Pro Se.